

REMARKS

Claims 1-30 are pending.

In the Office Action dated May 21, 2009, claims 1-4 and 11-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dominguez (U.S. Patent Publication No. 2002/0194138) in view of Putta (U.S. Patent Publication No. 2001/0032192) and Friedman (U.S. Patent Publication No. 2003/0208556); claims 5-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman and further in view of Ensel (U.S. Patent No. 6,493,686); claims 7-8, 10 and 26-28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman and further in view of Byrne (U.S. Patent Publication No. 2003/0229590); claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Putta and Friedman and further in view of Byrne and Jamison (U.S. Patent Publication No. 2003/0191711); claims 16-17, 20 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez in view of Friedman; claim 18 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Putta, Friedman and Mersky (U.S. Patent No. 6,119,106); claim 19 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, in view of Putta, Friedman, Mersky and Coskrey (U.S. Patent No. 6,676,016); claims 21-22 and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez and Friedman and further in view of Byrne; claims 23 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez and Friedman and further in view of Mersky; and claim 30 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dominguez, Friedman, Coskrey and Mersky and further in view of Byrne.

Independent claim 1 was rejected as purportedly obvious over Dominguez, Putta, and Friedman. It is respectfully submitted that the obviousness rejection of claim 1 is defective.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as held by the U.S. Supreme Court, it is important to identify a reason that would have prompted a person of

ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

The Office Action conceded that Dominguez and Putta fail to disclose the following elements of claim 1:

- wherein the authorization information (transmitted to a website of a biller) is formatted to appear as originating from the biller and in a predefined format specified by the biller; and
- wherein the electronic notification (sent from the authorization system directly to the consumer that the payment has been authorized) is formatted to appear as originating from the biller and in a predefined format specified by the biller. 5/21/2009 Office Action at 5.

However, the Office Action cited Friedman as purportedly disclosing the claimed elements missing from Dominguez and Putta. *Id.* Specifically, the Office Action cited ¶¶ [0058] and [0071] of Friedman. Paragraph [0058] of Friedman refers to an email server 288 and a web server 260 shown in Fig. 2 of Friedman. Paragraph [0071] of Friedman describes formatting a web page rendered by a web server 260 to appear “to be an extension of the web site from which the network user was most recently connected.” The reason for formatting the web page to have the look and feel of another web site is based on the fact that when a network user is shopping online at a vendor’s site, the network user can be offered the option to order and create a custom card, and if selected, the user is redirected to a web site of the “inventive system” described in Friedman. Friedman, ¶ [0080]. The user that has been redirected from the vendor’s site to the web site of the “inventive system” of Friedman is presented with a graphical user interface that appears similar to that of the vendor’s site from which the user was redirected. *Id.*, ¶ [0084].

Thus, Friedman teaches a technique to format a web page such that the user believes that the web page is associated with a particular vendor, even though the user has been redirected to another web site. This teaching of Friedman has nothing to do with the subject matter of claim 1, which relates to transmitting authorization information to a biller, and sending electronic notification directly to a consumer, where the

authorization information is formatted to appear as originating from the biller and in a predefined format specified by the biller, and also the electronic notification is formatted to appear as originating from the biller and in a predefined format specified by the biller.

Therefore, even if Dominguez, Putta, and Friedman were to be hypothetically combined, the hypothetical combination of references would not have led to the claimed subject matter.

Moreover, a person of ordinary skill in the art would not have been prompted to combine the teachings of Friedman with the teachings of Dominguez and Putta to achieve the claimed subject matter. The teachings of Friedman relating to customizing a web page to make the web page appear as if the web page is from a particular vendor, is completely unrelated to the teachings of Dominguez and Putta. Note that the customization of the web page of Friedman is made in the context of a server system that allows network users to select and customize electronic versions of greeting cards. Friedman, Abstract; ¶ [0014].

On the other hand, Dominguez relates to a payment authentication service to authenticate the identity of a payor during online transactions. Putta relates to a method for issuing a secondary programmable account number (SPAN) to a customer such that the customer can use the SPAN to pay for a purchase from a merchant. Putta, Abstract; [0054]. Neither Dominguez nor Putta has any need or desirability to incorporate into their systems a technique of customizing a web page that appears to be from a particular vendor to allow a user to select and customize electronic versions of greeting cards. A person of ordinary skill in the art clearly would not have been prompted to apply the teachings of Friedman to the systems of Dominguez and Putta.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claim 1 is erroneous.

Independent claims 13-15 are similarly allowable over the cited references. Independent claims 16 and 20 were rejected as purportedly obvious over Dominguez and Friedman. In view of the amendment made to claim 16, it is respectfully submitted that claim 16 is clearly allowable over Dominguez and Friedman, and that claim 16 would also be allowable over Dominguez, Putta, and Friedman.

Independent claim 20 is also similarly allowable over the cited references.

Independent claim 18 was rejected as purportedly obvious over Dominguez, Putta, Friedman, and Mersky. Mersky was cited as purportedly disclosing information that includes an agent number. 5/21/2009 Office Action at 25. However, the obviousness rejection of claim 18 is based on the mis-application of Dominguez, Putta, and Friedman to other elements of claim 18, similar to the mis-application made with respect to claim 1 discussed above. Therefore, claim 18 is non-obvious over Dominguez, Putta, Friedman, and Mersky.

Independent claim 19 was rejected as purportedly obvious over Dominguez, Putta, Friedman, Mersky, and Coskrey. The application of Dominguez, Putta, and Friedman to claim 19 is defective, for reasons similar to those stated above with respect to claim 1. Therefore, the obviousness rejection of claim 19 over Dominguez, Putta, Friedman, Mersky, and Coskrey is also defective.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, the obviousness rejections of dependent claims have been overcome.

In view of the foregoing, allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200901561-1).

Respectfully submitted,

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